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General Assembly

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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Summary record of the 4th meeting
Held at Headquarters, New York, on Monday, 20 June 2011, at 10 a.m.

Chairman: Mr. Carrión-Mena ..... (Ecuador)

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11-37952 (E)

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The meeting was called to order at 10.35 a.m.

Adoption of the agenda

1. *The agenda was adopted.*

Special Committee decision of 15 June 2009 concerning Puerto Rico (A/AC.109/2011/L.6 and L.13)

2. **The Chairman** informed the Committee that the delegation of Egypt, in its capacity as Chair of the Movement of Non-Aligned Countries, had indicated its wish to participate in the Committee's consideration of the item as an observer.

Draft resolution A/AC.109/2011/L.6

3. **Mr. Núñez Mosquera** (Cuba), introducing draft resolution A/AC.109/2011/L.6, said that, although the Special Committee had already adopted 29 resolutions and decisions on the question of Puerto Rico, the Puerto Rican people were still unable to exercise their legitimate right to genuine self-determination. The draft resolution again stressed the urgent need for the United States of America to lay the groundwork for the full implementation of General Assembly resolution 1514 (XV). It also called on the President of the United States to release the three Puerto Rican political prisoners who were serving sentences in United States prisons and requested the General Assembly to consider the question of Puerto Rico comprehensively in all its aspects. The delegations sponsoring the draft resolution, as well as the various Puerto Rican political forces, considered that such a review by the General Assembly was now more urgent than ever before. He hoped that the draft resolution would be adopted by consensus.

Hearing of petitioners

4. **The Chairman** drew attention to the further requests for hearing contained in addendum 1 to aide-memoire 08/11. He took it that the Committee wished to accede to those requests.

5. *It was so decided.*

6. **The Chairman** said that, in line with the Committee's usual practice, petitioners would be invited to take places at the petitioners' table and would withdraw after making their statements.

7. **Mr. Toledo Martínez** (Colegio de Abogados de Puerto Rico) said that his organization had made several proposals regarding procedural ways to make progress towards the decolonization of Puerto Rico. The most important proposal was that a constitutional assembly on status should be convened, with broad democratic participation, to negotiate the territory's future relationship with the United States. Although that proposal enjoyed considerable support in Puerto Rico, the United States authorities were seeking to ignore Puerto Ricans' right to political self-determination and independence, through the creation of a task force on Puerto Rico's status by executive order of the President. In his recent visit to Puerto Rico, President Obama had insisted that the Puerto Rican people — even though they had been suffering an economic depression for over six years, and faced high levels of poverty, unemployment and corruption under the colonial yoke — should support his Government's attempts to legitimize colonialism through popular consultations that did not provide for genuine self-determination.

8. The United States continued to arrest and imprison Puerto Rican independence fighters, such as Óscar López Rivera, Norberto González Claudio and Avelino González Claudio; to impose the death penalty in federal cases even though it was prohibited by the Constitution of Puerto Rico; and to hamper the economic development of Puerto Rico by preventing it from generating income through its own initiative. All such actions were in violation of General Assembly resolution 1514 (XV), the Charter of the United Nations and the Universal Declaration of Human Rights.

9. The Committee should once again call on the General Assembly to review the case of Puerto Rico and to allow de-listed territories to make representations before it when colonial Powers failed to meet their obligations under international law.

10. **Mr. Rivera Reyes** (PROELA) said it was regrettable that, at the start of the Third International Decade for the Eradication of Colonialism, Puerto Rico was further than ever from achieving its inalienable right to self-determination. The adverse consequences of its political and economic subjugation included one of the highest murder rates in the world, an economic recession, a weak labour participation rate and rising levels of poverty.

11. While the case of Puerto Rico was certainly not simple, it was clear that the United States Government

had failed to comply with the provisions of General Assembly resolution 748 (VIII), given that, on many occasions since the resolution's adoption, it had gone against the wishes of the Puerto Rican people and prevented them from pursuing their own economic development. Current involvement by the United States in local affairs included the unilateral setting of prices for locally produced milk, attempts to impose the death penalty when the Constitution of Puerto Rico expressly prohibited it, and groundless accusations against election candidates. The United States Government was clearly indifferent to the political, economic and social situation of Puerto Rico. The report published in March 2011 by the President's Task Force on Puerto Rico's Status was full of contradictions and helped to maintain internal divisions in Puerto Rico. The plebiscite proposed in the report would in fact violate international law, since it would ask Puerto Ricans to implicitly renounce their right to self-determination and it also precluded participation by Puerto Rican nationals residing outside the territory. Self-determination was an inalienable right under international law and consequently could not be renounced. It was unacceptable that such a proposal could be made by the political leaders of any territory, out of a desire for electoral and financial advantage.

12. Pursuant to General Assembly resolution 1654 (XVI), a commission should be established to begin a process of dialogue between the Special Committee, the Puerto Rican people and the United States Government. The General Assembly should also request an advisory opinion from the International Court of Justice on the case of Puerto Rico, as authorized by Article 96 of the Charter of the United Nations. Lastly, future Special Committee resolutions should again refer to a constitutional assembly on status as an appropriate mechanism for enabling Puerto Ricans to claim their right to self-determination and should indicate the desirability of allowing Puerto Rican nationals residing abroad to participate directly in that assembly. He hoped that those proposals would be included in the Special Committee's report to the Fourth Committee.

13. **Mr. Pesquera Sevillano** (Movimiento Independentista Nacional Hostosiano) said that, before it had been invaded by the United States, Puerto Rico had been a productive, hard-working and supportive society, on the verge of gaining its independence. The invaders had quickly and progressively destroyed its economy, making it dependent on goods from the mainland. Currently, labour-force participation was barely 40 per cent, official unemployment stood at 17 per cent, 48 per cent of the population was welfare-dependent and 67 per cent lived below the poverty line.

14. Agriculture, which had flourished at the time of the invasion, had collapsed as the country had gone from self-sufficiency to dependence, importing 85 per cent of what it consumed from the United States. Puerto Rico was also required to use the United States merchant marine, the most expensive and inefficient in the world, for all its imports. Furthermore, the United States armed forces had polluted thousands of acres, especially on the islands of Culebra and Vieques, with toxic waste from military activities. In the case of Vieques, although the military exercises had come to an end 10 years earlier, the land had not yet been decontaminated, much less returned to the island's inhabitants.

15. The collapse of the colonial economy had led successive colonial administrations to resort to the issuance of public debt. From US$ 2.7 billion in 1972, it had risen to more than US$ 60 billion. The invader had caused enormous social, economic and ecological harm but it was Puerto Ricans who owed the mainland billions of dollars. The country remained poor and dependent, leading to the exodus of half of its population.

16. Puerto Rico's colonial status must be urgently addressed, not only as a matter of dignity and principle, but in order to solve the crisis caused by the territory's serious economic, social and political problems. The United States Government must face up to its historical responsibility, stop harming the environment, economy and inhabitants of Puerto Rico and prepare to compensate it for more than 113 years of colonialism and exploitation.

17. Under international law, the United States must acknowledge that all 8 million Puerto Rican nationals had the right to self-determination. The plebiscite proposed in the report by the President's Task Force on Puerto Rico's Status formed part of an imperialist strategy to perpetuate colonialism, based on the idea that Puerto Rico was subject to United States congressional authority. The divisions that existed between Puerto Ricans, although caused and maintained by the United States authorities themselves, were being used as an excuse not to act.

18. A constitutional assembly on status, organized, financed and conducted by Puerto Ricans without the intervention of the United States, and subject to applicable international law, was the appropriate mechanism for bringing about Puerto Rico's decolonization. Inviting the Special Committee to send a delegation to Puerto Rico to see for itself the critical colonial situation of the island, he requested that the case of Puerto Rico should be considered comprehensively by the General Assembly. He wholeheartedly supported the draft resolution currently before the Special Committee and reiterated the call for the Puerto Rican political prisoners Óscar López Rivera, Avelino González Claudio and Norberto González Claudio to be released.

19. **Mr. Rivera** (Puertorriqueños Unidos en Acción) said that, in order for Puerto Rico to achieve national sovereignty through an effective process of self-determination, the participation of the Puerto Rican diaspora must be guaranteed by means of a constituent or people's assembly. Some 800,000 Puerto Ricans had emigrated to the United States and other countries in the last decade, especially since 2006, when the Puerto Rican economy had fallen into recession as a result of the territory's inability to manage its own destiny and economy. The forced emigration of Puerto Ricans to the United States had had psychological, social and economic consequences. It was incompatible with democratic principles that the United States Government was specifically recommending the exclusion of the Puerto Rican diaspora from the self-determination process, citing cost concerns, when at the same time it had recently begun a campaign in Puerto Rico to naturalize thousands of foreigners, who would consequently have the right to determine the political future of Puerto Rico under the decolonization model that the United States sought to implement.

20. There were many international precedents for the participation of diasporas in organized consultation processes, which was a prerequisite for the full and effective exercise of democracy. Puerto Rico must not fall into the error of pursuing a decolonization process that did not guarantee the participation of its diaspora, ensure the release of all Puerto Rican political prisoners and fulfil all the requirements of General Assembly resolution 1514 (XV).

21. **Mr. Ramos Rosado** (ProLibertad Freedom Campaign) said that the imprisonment, for political reasons, of Óscar López Rivera, Avelino González Claudio and Norberto González Claudio was a violation of human rights and an act of repression. Although none of the three political prisoners had had a criminal record prior to incarceration and none had been charged with any violent acts, all of them had received unduly harsh treatment. Despite having been model prisoners, they had been tortured, denied medical treatment, placed in solitary confinement and denied visits from family and legal counsel. Such mistreatment of prisoners based on their political beliefs was in violation of international norms. The prisoners had been portrayed as terrorists by the United States Government when they were in fact freedom fighters. The United Nations should take immediate action to end the colonial occupation of Puerto Rico and secure the unconditional release of all Puerto Rican political prisoners.

22. **Ms. Aponte** (Movimiento de Afirmación Viequense) said that the human rights of the residents of the island of Vieques were constantly violated by the United States Navy, which for some 60 years until 2003 had used the island for military manoeuvres, with scant regard for the lives and freedom of its residents. As a result, they faced severe health problems, suffering a higher incidence of such diseases as cancer than people living elsewhere in Puerto Rico; agricultural products grown on Vieques were unsafe for human consumption because of the high concentration of heavy metals in the soil; and the fishing industry was affected by the contamination and risk resulting from the thousands of unexploded bombs in the waters surrounding Vieques. Although the United States Navy was no longer conducting military manoeuvres on the island, explosions occurred with the same frequency as before owing to bomb removal work that involved the detonation of unexploded devices. The Navy's preferred method for destroying such bombs was by starting bush fires, which resulted in widespread contamination of agricultural land and settlements.

23. The report by the President's Task Force on Puerto Rico's Status indicated that the clean-up of the former military areas on Vieques was expected to last another decade. That was too long for the people of Vieques, three quarters of whom lived below the poverty line. Recalling that the actions of the United States Navy were prohibited under international law, she urged the Special Committee to recommend that the case of Puerto Rico should be taken up by the General Assembly.

24. **Ms. Centeno Rodríguez** (American Association of Jurists) said that the Colegio de Abogados de Puerto Rico had come under attack from supporters of the colonial Government. Various cases had been taken to the federal courts of the United States, attempts had been made to seize the organization's building through the imposition of illegal fines and its president, Osvaldo Toledo Martínez, had been arbitrarily imprisoned. Furthermore, the organization suffered continued attempts at interference with the legal services it provided to low-income communities and with its rights of association and organization.

25. The killing of Filiberto Ojeda Ríos in June 2006 had marked the beginning of renewed attacks on civil and human rights in Puerto Rico. The Puerto Rican Governor's administration and the Puerto Rican police had used deception and intimidation to justify the use of excessive force, while the Legislative Assembly of Puerto Rico had employed institutional violence to prevent the press, students and civil society organizations from obtaining information on, or protesting against, cuts to educational, social and administrative programmes. Meanwhile, public debt continued to grow.

26. The existence of the Pico del Este military base in El Yunque, the open detonation of ammunition on Vieques, and other military activities harmful to the population's health were matters of concern. In order to provide United States military bases with the energy they needed, the Puerto Rican government had recently proposed the construction of a gas pipeline, which was opposed by the vast majority of Puerto Ricans. Furthermore, it was particularly worrying that geo-engineering technologies for climate control, which could also serve as a weapon or as an anti-missile shield, were situated in Puerto Rico. The United States carried out such military activities in Puerto Rico with complete disregard for the human rights and socio-economic development of the Puerto Rican people and with the intention of evading its international obligations, especially those under the Charter of the United Nations.

27. Rather than acknowledging the colonial situation and acting in accordance with international law to resolve it, the United States planned to hold another plebiscite with a view to legitimizing its military occupation of Puerto Rico. Sovereign powers must, however, be acquired by the people of Puerto Rico before they could exercise their right to self-determination. For that to happen, the United States would first need to withdraw all its troops, military bases and nuclear weapons from Puerto Rico; otherwise no transparent decolonization process would be possible. The case of Puerto Rico should be referred to the General Assembly as a matter of urgency and all Puerto Rican political prisoners should be released.

28. **Mr. Torres** (Partido Nacionalista de Puerto Rico) said that colonialism was a crime against humanity. It was to be hoped that the case of Puerto Rico would be placed on the agenda of the General Assembly, so that pressure could be brought to bear on the United States to end its colonial domination of the territory. It was clear from the 2011 report by the President's Task Force on Puerto Rico's Status, as well as remarks made by President Obama on his recent visit to Puerto Rico, that the United States Government had no intention of allowing Puerto Rico to decide on its political status, much less become a free, sovereign and independent State. Meanwhile, economic and social conditions in Puerto Rico continued to deteriorate. The colonial administration had, for example, implemented a privatization programme that had left thousands out of work, while at the same time it was squandering millions of dollars on projects, such as the "Vía Verde" gas pipeline, that solely benefited the financial supporters of the colonial government.

29. The United States should allow the Puerto Rican people to exercise their right to self-determination as a matter of urgency, and return to them all their sovereign powers, without which they were unable to enact the necessary legislation to address and solve their problems. In addition, the Puerto Rican political prisoner Óscar López Rivera should be released.

30. **Mr. Martín** (Partido Independentista Puertorriqueño) said that the most recent report by the President's Task Force on Puerto Rico's Status made it clear that, under United States constitutional law, Puerto Rico remained a possession of the United States. While that admission was in some ways refreshing, after the decades of deception that had followed the adoption of General Assembly resolution 748 (VIII) in 1953, regrettably it had not led to any assumption of responsibility for decolonization by the colonial Power. In the light of that inertia, the Puerto Rican people must take all necessary initiatives to help launch a process that might eventually lead to decolonization. The Partido Independentista Puertorriqueño, for example, had for some years been

promoting an initiative whereby Puerto Ricans could express their opposition to the current colonial situation and their support for non-colonial alternatives recognized under international law. A voice must be given to the undoubted majority of Puerto Ricans opposed to Puerto Rico's current political status, in order to put an end, once and for all, to the spurious argument that Puerto Ricans favoured colonialism. Such an initiative, while it would not guarantee the decolonization of Puerto Rico, would serve to put pressure on the United States Government to face up to its responsibilities under international law.

31. He urged the members of the Special Committee, especially the Latin American and Caribbean nations, to coordinate their efforts to ensure that the draft resolution currently before them served as a basis for the General Assembly's consideration of the case of Puerto Rico. Lastly, he recalled the situation of the Puerto Rican political prisoners, particularly Óscar López Rivera, who had been serving a sentence for over 30 years. Such abuse was a pure manifestation of the continued repressive anti-independence policies of the United States Government.

32. **Ms. Susler** (National Lawyers Guild) said that the President's Task Force on Puerto Rico's Status had issued recommendations for resolving the status question without expressly acknowledging Puerto Rico's colonial situation. Although more than half of the Puerto Rican population lived in the United States, the Task Force had recommended holding a plebiscite on status in which only current residents of the island would be eligible to participate.

33. President Obama had been the first United States President to visit the island in 50 years. His visit had prompted mass demonstrations calling for an end to colonial rule, independence and the release of Puerto Rican political prisoners. The United States Parole Commission had recently refused the parole bid of one such prisoner, Óscar López Rivera, who had served 30 years of a 70-year sentence. The Commission had ignored its own rules and the fact that the prisoner met all the parole criteria. Tens of thousands of elected officials, lawyers, religious leaders and human rights advocates had voiced their support for his immediate release.

34. She urged the Committee to adopt a resolution calling for the General Assembly to consider the case of Puerto Rico. The resolution should also call on the United States Government to release Puerto Rican political prisoners immediately, to make a formal commitment to good-faith negotiations on a solution to Puerto Rico's colonial condition, and to recognize and respond to the proposals made by a constitutional assembly initiated by the people of Puerto Rico as the true expression of the aspirations of that people.

35. **Mr. Delgado Rodríguez** (Alianza pro Libre Asociación Soberana (ALAS)) said that, although the Special Committee had been considering the case of Puerto Rico for over 25 years and had adopted 29 resolutions and decisions in that regard, the political, economic and social situation of Puerto Rico had deteriorated to an alarming extent. The United States had managed to isolate Puerto Rico from political, economic and cultural interaction with the rest of the world and exercised absolute control over all essential activities of the Puerto Rican people. The United States federal courts were claiming jurisdiction in ever broader spheres of activity in the territory, and sought to apply the death penalty in Puerto Rico even though that was prohibited by the island's Constitution.

36. A process of self-determination was clearly needed to end the colonial relationship that currently existed between Puerto Rico and the United States. Regrettably, the proposal for a plebiscite contained in the 2011 report by the President's Task Force on Puerto Rico's Status had several defects. The options for political status that would be offered to Puerto Rican voters did not comply with the provisions of international law; they included the current colonial relationship as one of the options; the Puerto Rican diaspora would not be allowed to participate in the plebiscite; and it was not clear whether the result would be binding on the United States Government. Furthermore, President Obama, during his recent visit to Puerto Rico, had stated that the "residents of the island" would vote in the plebiscite, indicating that he had already decided to exclude the Puerto Rican diaspora. Since that constituted another action contrary to human rights, a number of organizations, including ALAS, were in the process of filing a complaint with the Organization of American States (OAS) Inter-American Commission on Human Rights.

37. ALAS had always supported free association, as defined by the international community in General Assembly resolution 1541 (XV), as the most appropriate status option for redressing the colonial situation of Puerto Rico. Since the adoption of Assembly resolution 748 (VIII) in 1953, Puerto Rico

had existed in a kind of legal limbo, since it was considered to be neither a sovereign country nor a colony under international law. His organization therefore proposed the convening of a constitutional assembly on status to determine the political future of Puerto Rico; the designation of a contact person for the Puerto Rico issue within the Special Committee secretariat; supervision of the proposed plebiscite, if it took place, by the United Nations; creation of a mechanism whereby the General Assembly could reassess the case of territories, such as Puerto Rico, that had been removed from the list of Non-Self-Governing Territories, with a view to their re-inclusion where appropriate; and consideration of the question of Puerto Rico by the General Assembly. Lastly, he called for the release of all Puerto Rican political prisoners.

38. **Mr. Mangual Cruz** (Fundación Andrés Figueroa Cordero) said that the Partido Nuevo Progresista was conspiring to distort the rich revolutionary history of Puerto Rico for the benefit of those who, with annexationist aspirations, were promoting corruption on the island. All nations subject to military occupation had the right to defend their territory and nationality by any means necessary. The United States sought to deny the Puerto Rican people their inalienable right to independence, to exploit them economically, to distort their culture and to violate their fundamental human rights. In fact, it was engaging in genocide in Puerto Rico, having ousted a large part of the Puerto Rican population in order to establish military bases on the island. Ever since its invasion, the United States had intervened militarily, politically and economically in the life of Puerto Rico, violating all universally accepted principles of international law and deceiving the United Nations by falsely claiming that the people of Puerto Rico had exercised their right to self-determination.

39. The Government of the United States had not only failed to transfer all powers to the Puerto Rican people, contrary to the provisions of General Assembly resolution 1514 (XV), but it had also used pressure, blackmail and threats to prevent the Special Committee from fulfilling its mandate to investigate, study and report on the colonial case of Puerto Rico, and had imposed on the Puerto Rican people an electoral system in which Washington retained the last word. The proposed plebiscites constituted not only an affront to Puerto Rican dignity but also an attempt to annex the territory by stealth and a denial of the right to self-determination.

40. **Mr. Villanueva Muñoz** (Comité Pro Derechos Humanos de Puerto Rico) said that the will of the Puerto Rican people to achieve their self-determination and independence was unshakable. The colonial situation in Puerto Rico, which had led to a climate of widespread violence, was severely affecting the quality of life of its inhabitants. The current government of Puerto Rico sought to impose peace by force and to protect powerful financial interests. Thousands of public employees had been laid off. The Federal Bureau of Investigation (FBI) used excessive force against journalists, trade unionists and students, while the United States Department of Justice refused to provide information on investigations into police brutality. Legislation requiring a large financial guarantee from anyone who wished to take legal action to protect natural resources, agricultural land or access to beaches sought to protect developers and deter action by environmentalists. The constitutional ban on phone-tapping was ignored, thereby placing the interests of the United States above the will of the Puerto Rican people, and attempts were being made to hold a referendum aimed at reversing the prohibition of the death penalty in Puerto Rico.

41. There could be no real process of self-determination or decolonization while the United States Government supported the use of excessive police force to suppress protests. In that connection, the American Civil Liberties Union had recently filed a complaint with the United States Department of Justice to protect the constitutional rights of citizens who were persecuted in Puerto Rico for their social activism. The commitment of the Puerto Rican people and their representatives to protecting and preserving the human rights of their compatriots went beyond political ideologies and was reflected in the broad-based support for the campaign to secure the release of Óscar López Rivera, who had already served a 30-year prison sentence.

42. President Obama had a moral obligation to ensure that the United States lived up to its commitment to peace and democracy. It was time to allow for a genuine process of self-determination and to release Óscar López Rivera and all other Puerto Rican political prisoners.

43. **Ms. Rexach** (National Advancement for Puerto Rican Culture) said that Puerto Rico was the undeclared fifty-first state of the United States. Although a 1917 law had granted citizenship to all Puerto Ricans, they were not adequately represented in Congress and did not have the same voting rights as other citizens, even though thousands of Puerto Ricans had lost their lives while serving in the United States military. With respect to the situation in Vieques, Congress should have acted more effectively to protect the environment and to defend federal property and the United States naval forces' right to conduct training exercises. She hoped that the Committee would help put an end to the historical discrimination against the Puerto Rican people by adopting a resolution that called on the United States Congress to declare Puerto Rico's statehood immediately.

44. **Ms. Santiago Pérez** (Comité de Apoyo a los Hermanos González Claudio) said that the United States authorities continued to arrest and imprison Puerto Rican independence fighters, in some cases even killing their leaders and family members, and used repressive forces such as the FBI and the federal courts to suppress protests by workers, students and the general population. Óscar López had already spent 30 years in prison and had recently been denied parole for the second time; Avelino González, who had been arrested in 2008, had now been classified as a domestic terrorist in order to keep him in isolation and deny him access to his medication for Parkinson's disease; and Norberto González had been in solitary confinement since his arrest some weeks previously and had been told that he would continue to be kept in isolation. The conditions imposed on Puerto Rican political prisoners had historically been disproportionate to their alleged crimes. Even now they were subject to worse conditions than the overall prison population, suffering segregation from other prisoners, delays in medical treatment, and monitoring and censorship of their communications. Such conditions often violated the most basic human rights.

45. Avelino and Norberto González Claudio believed that they, along with all other Puerto Ricans, had the right to defend Puerto Rico's national sovereignty. They called for the United States to transfer authority to the Puerto Rican people and recognize their right to self-determination. Her organization urged the Special Committee to call on the United States to stop violating international agreements on the treatment of independence fighters and their supporters, to comply with General Assembly resolution 1514 (XV) and to release all political prisoners. It also requested the international community to support its demands and to recognize that every nation had an inalienable right to freedom.

46. **Mr. Hernández González** (Comité Puerto Rico en las Naciones Unidas) said that the case of Puerto Rico had not advanced, despite the Special Committee's long-standing commitment to its decolonization. Puerto Rico had been removed from the list of Non-Self-Governing Territories in 1953, with the adoption of General Assembly resolution 748 (VIII), when the United States had falsely claimed that the Puerto Rican people had effectively exercised their right to self-determination by establishing their own Constitution and government, when in fact the Constitution had been subject to review and acceptance by the colonial Power. In view of that fraudulent action by the United States Government, Puerto Rico should now be returned to the list of Non-Self-Governing Territories in order to clear the way for its case to be considered by the General Assembly. The various plebiscites held on Puerto Rico's political status since the entry into force of the Constitution in 1952, as well as the existence of the President's Task Force on Puerto Rico, clearly demonstrated that the problem had never been resolved and that the colonial Power was still violating international law and Puerto Rico's right to the exercise of sovereignty.

47. It was unacceptable that the Puerto Rican people should be asked to vote in a plebiscite that was rigged and biased in favour of the colonial Power. Since Puerto Rico was still under the direct control of the United States, it could not take an independent decision in full exercise of its sovereign will.

48. Puerto Rico and other countries still subjected to colonialism should be given observer status in the United Nations so that they could continually raise awareness of their colonial situation until a solution was reached.

49. **Ms. Garza** (Socialist Workers' Party) said that although President Obama, during his whirlwind electioneering visit to Puerto Rico, had promised to improve education, health care and employment prospects in Puerto Rico and the United States, the reality of United States colonial rule showed just the opposite. The working people of Puerto Rico continued

to face worsening living conditions and government attacks, including the recent lay-off of 17,000 public workers. The official unemployment rate stood at 16 per cent but was in reality much higher. Students at the University of Puerto Rico had faced brutal police assaults as they protested against sharp increases in tuition costs, and Washington continued to use Puerto Ricans as cannon fodder in its imperialist wars.

50. The workers and farmers of Puerto Rico and the United States had a common enemy, namely the Government of the United States and that country's propertied ruling families. A successful fight for the independence of Puerto Rico was in the interests not only of the Puerto Rican people but also of the vast majority of the people of the United States. Growing recognition among that country's workers that the capitalist system was responsible for the devastating conditions they faced would make them more sympathetic to the Puerto Rican independence struggle.

51. The Puerto Rican people and United States workers faced a common struggle in opposing growing attacks on workers' rights by the FBI and other political police forces, which had been granted extensive powers under United States counter-terrorism legislation to tap communications, search personal papers and spy on individuals without having to justify their actions. Those fighting for Puerto Rico's independence were a special target. She called for the immediate release of Óscar López Rivera, Avelino González Claudio and Norberto González Claudio and protested against the recent decision to deny parole once again to Óscar López, who had served 30 years in prison. The Cuban Five, who had been imprisoned in the United States on trumped-up charges, must also be released. The Cuban revolution offered a powerful example to all those engaged in the fight against United States colonial domination.

52. **Mr. Gabriel** (Puerto Rico Solidarity Network) said that his organization believed that some of the problems plaguing Puerto Rico, such as attempts to dismantle public education and an initiative to install a dangerous gas pipeline on the island despite the objections of the communities concerned, were symptomatic of the colonial relationship with the United States. Given their ability to vote in United States presidential and congressional elections, Puerto Ricans living in the United States, who now outnumbered those living on the island, would undoubtedly have more influence than ever before on their homeland's ultimate political status. He urged the Committee to take all appropriate measures to ensure that the case of Puerto Rico received the attention it deserved and that the Puerto Rican people's struggle for self-determination received the full support of the international community.

The meeting rose at 1 p.m.

A/AC.109/2011/SR.5

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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Summary record of the 5th meeting
Held at Headquarters, New York, on Monday, 20 June 2011, at 3 p.m.

Chairman: Mr. Carrión-Mena ..... (Ecuador)

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Special Committee decision of 15 June 2009 concerning Puerto Rico (*continued*)

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11-37958 (E)

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The meeting was called to order at 3.10 p.m.

Adoption of the agenda

Special Committee decision of 15 June 2009 concerning Puerto Rico (A/AC.109/2011/L.6 and A/AC.109/2011/L.13)

Hearing of petitioners (aide-mémoire 08/11/Add.1)

Hearing of petitioners (continued)

1. **The Chairman** said that, in line with the Special Committee's usual practice, petitioners would be invited to address the Committee and would withdraw after making their statements.

2. **Mr. Velgara** (Frente Socialista de Puerto Rico) said that it was incumbent upon the Special Committee unequivocally to condemn the colonial domination of Puerto Rico by the United States of America, which must acknowledge the island's natural right to independence. Thousands of Puerto Ricans had repudiated the imperial visit to the island by the President of the United States of America on 14 June, participating in demonstrations to demand their nation's independence and the immediate release of Puerto Rican political prisoners.

3. The colonial problem that Puerto Rico faced had been caused by the invasion of foreign military forces and sustained by their repressive imperial apparatus that criminalized the struggle for independence. The classification of such freedom fighters as Avelino and Norberto González Claudio as "domestic terrorists", and the arrest and prosecution of persons so classified, illustrated the difficulties that Puerto Ricans of all backgrounds faced when they attempted to defend their rights.

4. The Puerto Rican island of Vieques had been subjected to criminal bombings by the United States Marine Corps for over half a century. After an international campaign to end the bombings, operations had ended a decade earlier, but their recent resumption was cause for alarm and should therefore be monitored by the Special Committee and a United Nations observer.

5. The United States Government's attempt to impose the death penalty in Puerto Rico, which had ratified a ban on the practice in its 1952 Constitution, amounted to yet another colonial violation of the Puerto Rican people's democratic rights.

6. His organization reiterated its call for implementation of General Assembly resolution 1514 (XV) and a genuine decolonization process, the prerequisites of which included transfer of all powers to the Puerto Rican people and immediate withdrawal of the United States military, legal and political infrastructure. Ongoing United States congressional consultations on a referendum that would resolve the colonial situation were merely further proof of that country's imperial designs on a Latin American people. Meanwhile, United States authorities, who oversaw all human and commercial exchange between Puerto Rico and the rest of the planet, failed to prevent violent deaths on the island, 90 per cent of which were directly related to the illegal drug trade.

7. Lastly, given the ample evidence the Special Committee possessed on the untenable political situation of Puerto Rico, further delay in referring the matter to the General Assembly plenary would make the Committee an accomplice to the United States of America in annihilating a nation in the name of maintaining a military and economic enclave in the Caribbean.

8. **Mr. Adames** (Literary Center Anacaona) said that President Obama's recent visit to Puerto Rico had raised hopes that the island would finally be declared the fifty-first state of the United States of America. However, those hopes had gone unrealized.

9. For 100 years, Puerto Rico had been a state in all but name. Like other citizens of the United States, Puerto Ricans were required to fight in American wars, and Puerto Ricans joined the United States military and police in large numbers. However, Puerto Ricans suffered various forms of discrimination compared to other citizens of the United States.

10. Independence no longer made sense for Puerto Rico. Half of the population of Puerto Rico resided in the continental United States. While Puerto Rico's neighbours had been struggling for independence, Puerto Rico had been absorbed by the United States. A declaration of statehood would return to Puerto Rico the rights of which it had been stripped and put an end to discrimination. A mere 2 to 3 per cent of the people supported independence.

11. **Mr. Molina** (Movimiento Alternativo del Pueblo 12 de Septiembre) said that the Puerto Rican people, which had never bowed down before invading empires, was in need of the Special Committee's support, rather

than its charity, to achieve its complete liberation and transfer of powers in accordance with General Assembly resolution 1514. Once again, representatives of all sectors of Puerto Rican society had come before the Special Committee to attest to the colonial subjugation of their country. Both the Special Committee and the General Assembly of the United Nations had, on several occasions, voted overwhelmingly in favour of the inalienable right of the Puerto Rican people to join the free nations of the world.

12. He denounced the farcical colonial government and its political parties and agents, which opposed freedom of expression and the enjoyment of Puerto Rico's natural resources by its people. The United States of America had committed numerous crimes against the Puerto Rican people, starting with its invasion of the island in 1898 and ranging from the theft of its natural resources to the incarceration and assassination of its pro-independence leaders. He also condemned the imperial visit by the President of the United States of America to the island, and demanded the immediate liberation of Puerto Rican political prisoners Oscar López-Rivera, Haydée Beltrán, Avelino González Claudio and Norberto González Claudio.

13. **Ms. Datil** (Soho Art Fest) said that the constitutional rights of Puerto Ricans were being violated, including their right to vote and be represented in the Congress of the United States, to receive equal protection as a United States territory against invasion and to engage in free trade with the states of the United States. A law governing relations between the United States and Puerto Rico, intended as a temporary measure and signed in 1952, had become a permanent instrument of oppression. Although the Constitution of the United States mentioned the right to vote some half-dozen times in various articles and amendments, Puerto Ricans could not exercise that right.

14. The United States did not protect Puerto Rico against invasion, as guaranteed under the Constitution, leaving it open to an aggressive invasion of illegal aliens whose presence was resulting in increased drug use and social problems. Nor was the United States Government taking steps to put a stop to human trafficking, which in the last 40 years had become an open, multimillion dollar business.

15. During the Presidential campaign leading up to the 2008 election, Mr. Obama had promised that a constituent assembly would be established to discuss and modify the political status of Puerto Rico and its people. However, while President Obama had visited Puerto Rico recently for four hours to collect money for his campaign, there had been no developments with regard to the right of the Puerto Rican people to vote.

16. The people of Puerto Rico paid extremely high customs fees and federal taxes on United States imports and exports. Puerto Rico's foreign trade was unilaterally controlled by the State Department of the United States, with devastating consequences for the Puerto Rican economy.

17. **Mr. Espada** (Coalición Puertorriqueña contra la Pena de Muerte) said that the issue of the death penalty should be considered by the Special Committee and included in the draft resolution under consideration, as it was vital to the question of self-determination. The application of the death penalty in his country dramatized the subjugation of its people to foreign domination. Puerto Rico had legislated the abolition of the death penalty in 1929 and enshrined that abolition in its 1952 Constitution; nevertheless, the island remained subject to United States legislation, which imposed the practice under the Federal Death Penalty Act. In addition, death penalty cases in Puerto Rico were conducted in a language different from the people's native tongue. Puerto Ricans could be extradited to face the death penalty anywhere in the United States of America even if the Government of Puerto Rico opposed it. Under such circumstances, it could not be said that Puerto Ricans enjoyed the right to self-determination.

18. In 2010 the Government of Puerto Rico had granted United States federal authorities exclusive jurisdiction in all murder cases involving motor vehicle theft, bank robbery and use of illegal weapons, effectively increasing the possibility of reinstating the death penalty in Puerto Rico, in flagrant disregard of the will of the people.

19. He requested the Special Committee to recommend that the General Assembly should consider both the question of Puerto Rico and the serious conflict existing between Puerto Rico's right to self-determination and the application of the death penalty within its territory by the United States of America, and to adopt a resolution demanding that the United States Government immediately stop application of the federal death penalty in Puerto Rico.

20. **Mr. Tag-Eldin** (Observer for Egypt), speaking on behalf of the Movement of Non-Aligned Countries,

reiterated the Movement's strong support for the work of the Special Committee on Decolonization and urged the administering Powers to grant their full support to the activities of the Committee. The Movement renewed its call to Member States of the United Nations to speed up the decolonization process to achieve the complete elimination of colonialism.

21. The Movement reaffirmed its positions on the question of Puerto Rico contained in the Final Document of the Fifteenth Summit Conference of Heads of State and Government of the Movement of Non-Aligned Countries, held in Sharm el-Sheikh, Egypt, in July 2009, and in the final document of the sixteenth Ministerial Meeting held in Bali, Indonesia, in May 2011.

22. The question of Puerto Rico had been under consideration of the Special Committee for more than 36 years. A total of 29 resolutions or decisions had been adopted by the Committee on the subject. The Movement welcomed the fact that over the last decade the Committee had adopted its resolutions by consensus.

Draft resolution A/AC.109/2011/L. 6 (continued)

23. **Mr. De Las Ovalles Colmenares** (Bolivarian Republic of Venezuela) said that although Puerto Rico had been removed from the list of colonial territories in respect of which transmission of information was required under Article 73 *e* of the Charter of the United Nations, the Puerto Rican people, which constituted a Latin American and Caribbean nation, were still being denied their sovereignty.

24. The international community continued to make clear its commitment to the decolonization of Puerto Rico. In particular, the Final Declaration of the Tenth Summit of the Bolivarian Alliance for the Peoples of Our America (ALBA) had reiterated its members' support for Puerto Rico's struggle to achieve national sovereignty and end the imperialist occupation and military threat. The violation of the rights of civil rights organizations and the deteriorating social situation of the Puerto Rican people were disturbing. Consequently, his delegation reiterated its call for the United States Government to provide for a process that would allow the people of Puerto Rico to exercise fully their inalienable right to independence in conformity with General Assembly resolution 1514 (XV) and the relevant resolutions and decisions of the Special Committee.

25. **Mr. Echegoyen** (Nicaragua) said that although the Third International Decade for the Eradication of Colonialism was under way, the General Assembly had yet to fully consider and discuss the question of Puerto Rico. The United States of America should assume its responsibility in the decolonization process. Self-determination and independence were necessary to put an end to centuries of occupation and environmental destruction in Puerto Rico.

26. The Puerto Rican people were clearly dissatisfied with their colonial status, and all of the island's political parties, as well as civil society, were calling for change.

27. Nicaragua supported the call made at the Sao Paolo Forum, held in May 2011 in Managua, to take steps to ensure the presence of an observer delegation from Puerto Rico at the Summit of Heads of State and Government of the Community of Latin American and Caribbean States, to be held in Caracas in July 2011.

28. **Mr. Morejón** (Ecuador) said that Ecuador's Constitution enshrined the right to self-determination. Regrettably, although the Special Committee had been considering the issue of Puerto Rico for over 30 years, it had been unable to make concrete progress towards ending the colonial relationship. The many resolutions and decisions that it had adopted over the years should now be implemented. His delegation joined those urging the General Assembly actively to consider the question of Puerto Rico in all its aspects. Ecuador's decision to co-sponsor draft resolution A/AC.109/2011/L.6 reflected its commitment to the Puerto Rican people and its hope that Puerto Rico would soon join the community of independent and sovereign States, as a Latin American and Caribbean nation with its own unequivocal national identity.

29. **Mr. Solón** (Plurinational State of Bolivia) said that colonialist policies belonged to an interventionist past and constituted an unacceptable anachronism in the twenty-first century. The majority of the Puerto Rican people were in favour of decolonization. The constitutional assembly on status was particularly important as a mechanism to ensure broad and representative participation by the people of Puerto Rico in a genuine and transparent self-determination process, with the ultimate goal of independence. In that context, the United States of America had the responsibility of facilitating that process, and it must also return to the people of Puerto Rico the land it had

occupied, finance the decontamination of areas used in military exercises, and release Puerto Rican political prisoners arrested for their involvement in the struggle to liberate Puerto Rico.

30. In view of the solidarity with Puerto Rico expressed by various regional bodies, multilateral forums and civil society organizations, the question of its colonial status should undoubtedly be returned to the agenda of the General Assembly for active consideration in all its aspects.

31. **Mr. Ayzouki** (Syrian Arab Republic) said that the people of Puerto Rico had been seeking self-determination for years. Thus far the Special Committee had adopted 29 resolutions and decisions reaffirming their right to self-determination and independence in accordance with General Assembly resolution 1514 (XV). The Secretary-General Government should fulfil its responsibilities in that regard.

32. His delegation fully supported the call by the Heads of State and Government of the Non-Aligned Movement at their fifteenth and sixteenth Summits for implementation of the resolutions of the General Assembly demanding self-determination for the people of Puerto Rico, a Latin American and Caribbean country. He trusted that the draft resolution before the Special Committee would be adopted by consensus, in a reaffirmation of international legitimacy and the principles of the United Nations, of which self-determination was the most important.

33. **Mr. Sahraei** (Islamic Republic of Iran) said that the mandate of the Special Committee was to bring the scourge of colonialization to an end. The exercise of the right of self-determination was the most important component of the decolonialization process for territories under the Committee's consideration. His delegation reaffirmed the sovereign right of the people of Puerto Rico to self-determination under the Charter of the United Nations and General Assembly resolution 1514 (XV), entitled "Declaration on the granting of independence to colonial countries and peoples".

34. Adoption of the draft resolution by consensus would send a clear and strong message of support to the people of Puerto Rico. It would ensure increased momentum for change and indicate that the Special Committee, as the voice of the world's conscience, continued to support full achievement of the right of self-realization and independence. His Government supported the complete elimination of colonialism.

35. *Draft resolution A/AC.109/2011/L.6 was adopted.*

36. **Mr. St. Aimee** (Saint Lucia), speaking in explanation of position, said that his country had joined the consensus on the draft resolution because, to quote St. Paul, the people of his country wished that all people were like them. Saint Lucia was a free country and it wanted all people to be independent.

37. For the sake of consistency, General Assembly resolution 1541 (XV), entitled "Principles which should guide Members in determining whether or not an obligation exists to transmit the information called for under Article 73e of the Charter" should have been cited as one of the relevant resolutions in the preambular paragraphs of the draft resolution.

38. **The Chairman** said that the concern would be noted.

39. **Mr. Núñez Mosquera** (Cuba) said that the number of delegations, both members and non-members of the Committee, which had spoken on the issue was increasing each year. The statement made on behalf of the Non-Aligned Movement had been excellent.

40. Cuba and Puerto Rico had long been united in the struggle for Puerto Rican independence. Both lands had been inhabited by Taino natives, had been invaded and occupied and had received infusions of African and Spanish blood. The independence struggles of Cuba and Puerto Rico had begun at almost the same time. At the founding of the Cuban Revolutionary Party, José Martí had said that its purposes were to achieve complete independence for Cuba and to aid and encourage Puerto Rican independence. Over 2,000 Puerto Ricans had shed their blood in the fight for Cuban independence. According to Martí, Cuban and Puerto Rican independence were indispensable to preserve the dignity of the United States of America. One of Fidel Castro's purposes in organizing the first congress of Latin American students in 1948 had been to demand the independence of Puerto Rico.

41. Despite 113 years of colonial domination, the Puerto Rican people had not lost their culture, identity or national sentiments. Cuba was in solidarity with the Puerto Rican people and would continue to uphold the legitimate right of the Puerto Rican people to self-determination and independence.

The meeting rose at 4.50 p.m.

United Nations A/AC.109/2011/SR.6

General Assembly

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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Summary record of the 6th meeting
Held at Headquarters, New York, on Tuesday, 21 June 2011, at 10 a.m.

Chairman: Mr. Carrión-Mena ..... (Ecuador)

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The meeting was called to order at 10.20 a.m.

Adoption of the agenda

1. *The agenda was adopted.*

Question of the Falkland Islands (Malvinas)
(A/AC.109/2011/14; A/AC.109/2011/L.7)

2. The Chairman informed the Committee that the delegations of Argentina, Brazil, El Salvador, Guatemala, Guyana, Paraguay, Peru and Uruguay had indicated their wish to participate in the Committee's consideration of the item. He drew attention to the working paper on the question of the Falkland Islands (Malvinas) prepared by the Secretariat (A/AC.109/2011/14) and to a draft resolution on the issue (A/AC.109/2011/L.7).

Hearing of petitioners

3. **The Chairman** said that, in line with the Committee's usual practice, petitioners would be invited to take a place at the petitioners' table and would withdraw after making their statements.

4. **Mr. Edwards** (Legislative Assembly of the Falkland Islands) said that Argentina's claims of sovereignty over the Falkland Islands were unfounded, since those Islands had never been part of Argentina and no indigenous or Argentine population had ever been expelled from them. Argentina's sovereignty claims were rooted in myth and a self-serving revision of historical facts. Its position was also illogical, because it was arguing for the decolonization of the Islands so that it could recolonize them.

5. The Falkland Islands had been settled and developed naturally and the Islanders wished to remain under British sovereignty. The draft resolution on the Falkland Islands should include a reference to the wishes of the Falklands people and their fundamental right to self-determination. That right was a cornerstone of the Charter of the United Nations and applied equally to all people, including those living on the Falkland Islands.

6. The Falkland Islands were self-sufficient and self-governing, except in the areas of external affairs and defence, and enjoyed independence, democracy and a high standard of living. A strong defence was important, considering the aggressive stance of the Islands' neighbour.

7. The establishment of the Falklands fisheries zone in 1986 and the full 200-nautical-mile outer conservation zone in 1990 had benefited the Islanders, increasing revenue. Considerable effort and funds had been employed to conserve and manage the fisheries, and some of the additional income generated by fisheries had been used for the benefit of the farming community.

8. Oil had been discovered in sites within the Islands' territorial waters, but it remained to be determined whether oil drilling was commercially viable. Budget deliberations made no allowance for any oil revenue.

9. Tourism in the Islands, a recognized wildlife hot spot and a destination for veterans wishing to visit the battlefields of the 1982 conflict, had grown. Islanders had access to free, high-quality education, a robust transportation network, superb medical service and modern communication links. Young people had been returning to the Islands after completing their higher education, in a reversal of the pre-1982 trend. Salaries and benefits had risen to a level comparable to that of Western Europe, enabling the Islands to compete for high-quality medical staff, teachers and other professionals.

10. Following the most recent change in its Government, Argentina had unilaterally pulled out of a number of cooperation agreements concerning fisheries research and minerals exploration. Presidential Decree No. 256 illegally demanded that vessels travelling to the Falkland Islands through Argentine waters should obtain signed permission to do so from Argentina. Companies involved in oil exploration in the Falklands waters or in operations in both the Falkland Islands and Argentina were penalized. While the Islanders had been imposing severe limitations on allowable fishing levels, Argentina had set unsustainably high quotas, threatening fish stocks in the south-west Atlantic.

11. The people of the Falkland Islands were not an "imported" population, as Argentina claimed; they had descended from nineteenth-century immigrants to the Americas and included many nationalities. Since the reassertion of British sovereignty in 1833, the Islanders had developed their own unique culture. While they had chosen not to become independent from Europe, they were a people in their own right and had the same rights to their land as Argentines had to theirs.

12. **Mr. Sawle** (Legislative Assembly of the Falkland Islands) said that, as a democratically elected member of the Falkland Islands Government, he represented a population that believed it should determine its own future. The right to self-determination was a fundamental principle enshrined in the Charter of the United Nations and reiterated in General Assembly resolution 1514 (XV). If the Committee wished to stand by that principle, it had no option but to dismiss Argentina's claims as an aggressive form of territorial expansionism.

13. General Assembly resolution 2065 (XX) had been adopted after Argentina had made representations to the Special Committee that had been full of historical inaccuracies and false assertions, such as the claim that a resident Argentine population had been expelled by the British in 1833. The General Assembly had adopted that resolution without giving the Falkland Islanders an opportunity to speak in their own defence. Since then, the wishes of those living on the Islands had been conveniently ignored by the Committee.

14. The Falkland Islands had never been part of Argentina and no civilian population had been expelled from them since 1765, when Britain had formally claimed them. In 1833, an Argentine military garrison had been expelled, but the small civilian population had stayed, with the exception of four individuals. Evidence and details were needed to support Argentina's claim that a civilian population had been expelled by force. The current population had not been implanted; it was the only settled people ever to have lived on the Islands.

15. Attempts had been made by the Governments of the United Kingdom and the Falkland Islands to agree on a way forward with Argentina. In 1999, the Falkland Islands and Argentina had signed a joint statement whereby they had agreed to cooperate in various mutually beneficial areas. While the Falkland Islands continued to honour those commitments in full, Argentina was no longer doing so. In addition, it had taken a range of unilateral actions, such as requiring vessels passing through its territorial waters to and from the Falklands Islands and the South Georgia Islands to apply for permits, and imposing sanctions against fishing and oil companies with interests in both countries. Those were clear attempts to disrupt the Islands' economy and isolate the population.

16. Sovereignty was not legitimate unless it enjoyed the consent and acceptance of the people. The Argentine claim did not meet those fundamental requirements and was futile in its aims, since if Argentina were to gain sovereignty over the Falkland Islands, it would be obliged to respect the population's right to self-determination under General Assembly resolution 1514 (XV) and to relinquish its claim immediately.

17. **Ms. Vernet**, Director of the National Historical Museum of the Cabildo and the May Revolution in Buenos Aires, said that her family had deep roots in the Malvinas Islands. Her great-great-grandfather, Luis Vernet, had been the first political and military commander of the Malvinas Islands following Argentina's independence in 1810. The Islands had belonged to Spain until 1811, when Argentina had inherited them.

18. Starting in 1823, Luis Vernet had invested his fortune in the economic development of the Islands. Believing that the establishment of a colony would be to Argentina's advantage, he had asked for the ownership of vacant lands on two of the islands in exchange for a commitment to establish a permanent settlement there. The Argentine Government had granted the request in 1828 and Puerto Soledad had been designated as the seat of the Government of the Malvinas Islands.

19. Within two years, the population of Puerto Soledad had grown to over 100 inhabitants and the island had become a trading post that exported leather, meat, fish and lumber. The colony, whose population had been predominantly Argentine, had subsequently been dispersed and displaced by British immigrants in 1833. Thus, the British had seized a territory that had belonged, both in fact and in law, to Argentina.

20. The current population was not a people in the legal sense of the term and did not constitute a nation or a specific ethnicity. The inhabitants were British or of British descent and thus were no different from the citizens of the colonizing Power. As they had never been subjugated by a colonial Power, they could not exercise self-determination, since they were part of that Power themselves.

21. **Mr. Betts** said that he had been a permanent resident of the Malvinas Islands until mid-1982, when he had settled in mainland Argentina. His publicly stated support for Argentina's position in the

sovereignty dispute had made it impossible for him to remain on the Islands and had warranted his expulsion from the colony. Under the British Nationality Act of 1981 then in force, he had become a stateless British subject with no right of entry or permanent residence in the United Kingdom. Upon arrival on the continent, as a Malvinas Islands native, he had been automatically recognized as a native Argentine citizen entitled to all the civil rights conferred by Argentina's Constitution and laws.

22. Because he was an Argentine citizen, the occupying Power would not allow him to return to his birthplace, an exclusion that extended to all those born in the Malvinas Islands who had decided to settle in mainland Argentina, as well as their descendants, of whom there were more than a thousand. Those individuals were also prohibited from owning property or holding business interests on the Islands. Consequently, the Malvinas Islands had turned into a colonial enclave where Argentine nationals were not allowed to enter even as temporary workers and where the United Kingdom maintained tight demographic control. The 1983 British Nationality Act had recognized the population of the colony as British, and in 2002 British citizenship had been granted to all inhabitants of British overseas territories. Therefore, there was an indisputable colonial situation in the Malvinas Islands, with an occupying Power whose nationals effectively occupied the archipelago.

23. The Malvinas Islands had a totalitarian political system in which no political parties were allowed. Candidates for positions in public administration were united only by their pledge of loyalty to the Queen and their commitment to furthering the interests of the British Government. Accordingly, the colonial petitioners before the Committee were in fact transmitting the wishes of the British Parliament. Anyone expressing opposition was bound to face constant intimidation and persecution. The system's intolerance of differing opinions guaranteed strict control over the issues of sovereignty and the reopening of free trade with Argentina.

24. The colonial situation arising from the British occupation of the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas had been aggravated by the military reconquest of 1982. Subsequent unilateral acts by the British Government had systematically violated United Nations resolutions. The islands were a military stronghold and served both as training grounds for troops and as a centre for testing new missiles for the North Atlantic Treaty Organization (NATO).

25. The British Government and the inhabitants of the Malvinas Islands had claimed that paragraph 6 of General Assembly resolution 1514 (XV) applied only to colonial situations in which the breach of territorial integrity had occurred after the adoption of the Charter of the United Nations and of that resolution. However, the fact that the United Kingdom had conquered the Malvinas Islands by force both in 1833 and in 1982 meant that the territorial integrity of a State Member of the United Nations had been breached both before and after the adoption of the Charter. Thus, no State other than Argentina should be allowed to exercise sovereignty over the territory.

Draft resolution A/AC.109/2011/L.7: Question of the Falkland Islands (Malvinas)

26. **Mr. Errázuriz** (Chile), introducing draft resolution A/AC.109/2011/L.7 on behalf of the sponsors, said that the text acknowledged that the question at hand concerned a special and particular colonial situation that differed from other colonial situations as a result of the sovereignty dispute between two States. The only way to end it was through a settlement negotiated by the Governments of the two parties. Therefore, the draft resolution requested the parties to consolidate the process of dialogue and cooperation by resuming negotiations in order to find a solution, in accordance with the relevant United Nations resolutions.

27. The issue was important to the Latin American countries, as demonstrated by the statements adopted at various regional forums reiterating their support for Argentina's legitimate rights in the sovereignty dispute. In addition, the Rio Group had adopted a resolution in which it condemned the military exercises conducted by the United Kingdom in the region, in violation of General Assembly resolution 31/49, and called on both parties to resume negotiations as soon as possible in order to find a peaceful solution to the sovereignty dispute.

28. The persistence of colonial situations in the twenty-first century was an anachronism that must end. Chile found it distressing that, notwithstanding the time that had elapsed and the numerous resolutions adopted by the United Nations to date, no direct

diplomatic negotiation had been initiated between the parties. His country firmly supported the legitimate sovereignty rights of the Argentine Republic over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, and considered that bilateral negotiations between Argentina and the United Kingdom were the only way to resolve the dispute.

29. Noting that there were no valid reasons for delaying a solution to the question of the Malvinas Islands, he called on the parties to resume effective negotiations as soon as possible. He hoped that the draft resolution, like previous resolutions on the subject, would be adopted by consensus.

30. **Mr. Timerman** (Observer for Argentina) said that 14 December 2010 had marked the fiftieth anniversary of the Declaration on the Granting of Independence to Colonial Countries and Peoples (General Assembly resolution 1514 (XV)). The United Kingdom had abstained from voting on that resolution, thus evincing its selective support for the decolonization process.

31. In his capacity as Minister for Foreign Affairs, International Trade and Worship of the Argentine Republic, he reiterated the unrenounceable and imprescriptible rights of the Argentine Republic over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. By its resolution 2065 (XX), the General Assembly had characterized the Islands' situation as a sovereignty dispute between Argentina and the United Kingdom, and had invited the two Governments to negotiate a peaceful solution, bearing in mind the provisions and objectives of the Charter and of resolution 1514 (XV) and the interests of the Islands' inhabitants.

32. The ensuing negotiations had been unilaterally interrupted by the United Kingdom in the early 1980s. Following the armed conflict, the many resolutions adopted on the issue by the General Assembly and the Committee had attested to the persistence of the sovereignty dispute and the need for bilateral negotiations, but the United Kingdom refused to resume the process. It was as if the United Kingdom, relying on its status as a permanent member of the Security Council, interpreted a military conflict as exempting it from its obligations under international law.

33. After two unsuccessful attempts to invade Buenos Aires in 1806 and 1807, the British fleet had occupied the Malvinas Islands by force in 1833, driving away the population and the Argentine authorities. It had replaced them with its own subjects and had systematically prevented Argentines from settling in the archipelago ever since. While the United Kingdom claimed to defend the right of the Islanders to self-determination, its disregard for that principle had been illustrated by its expulsion of the 1,800 Chagossian inhabitants of the island of Diego García in the early 1970s.

34. The United Kingdom's real strategic and financial interests were clearly reflected in its illegal exploration for and exploitation of renewable and non-renewable natural resources in the disputed archipelago and waters, in flagrant violation of international law, including General Assembly resolution 31/49. Those activities were an affront to Argentina and other countries in the region.

35. The purpose of the United Kingdom's increasing military presence on the Islands was not clear. It could not reflect a fear of a military mobilization by Argentina, which had consistently affirmed that it would abide by its Constitution and the Charter of the United Nations by seeking to recover the usurped territories exclusively through peaceful means. The conduct of military exercises on the Islands, including the firing of missiles, was of concern to the entire region, as it violated the elementary rules on the safety of navigation and of life at sea.

36. In accordance with the mandate of the United Nations, and as part of the safeguards and guarantees offered by Argentina and negotiated with the United Kingdom in the 1970s, the Argentine Constitution included a commitment to take the interests of the Islands' inhabitants into account and to respect their way of life. Argentina continued to be a strong advocate of the right to self-determination whenever that right applied; however, it did not apply to the case of the Malvinas Islands, since the inhabitants were British subjects and not a colonized people. Argentina was not averse to cooperating with the United Kingdom on practical matters concerning the de facto situation in the South Atlantic, with a view to creating a suitable framework for the resumption of negotiations. While multiple provisional understandings had been reached to that end, many were no longer viable, as they had been used by the United Kingdom

to give a semblance of legitimacy to its unilateral activities.

37. Argentina had no doubt about its sovereignty over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. At the same time, its Government was willing to fulfil the duty incumbent on both parties to resume sovereignty negotiations. The United Kingdom's refusal to heed the calls of the international community was especially worrisome given that it was a permanent member of the Security Council, a body whose main purpose was to preserve international peace and security.

38. Argentina attached great value to the mission of good offices entrusted to the Secretary General as a means of bringing the parties to the negotiating table. The Heads of State and Government of the Union of South American Nations had recently asked Secretary-General Ban Ki-moon to renew his efforts in that respect. Although the British Prime Minister had recently declared that the question of the Malvinas Islands was closed, the mere expression of the will of the powerful was not sufficient to justify territorial occupation resulting from an act of force. He extended a formal invitation to the Government of the United Kingdom to resume negotiations in order to resolve the sovereignty dispute and put an end to a colonial situation that was unacceptable and incomprehensible in the twenty-first century.

39. **Mr. Núñez Mosquera** (Cuba) said that the Argentine Government and people's steadfast demand for the restitution of the land usurped from their national territory was admirable. It must be recognized that the Argentine Government had been willing to negotiate in order to recover sovereignty over the Malvinas Islands. Unfortunately, despite the many United Nations resolutions calling for such negotiations, a lasting solution did not appear to be close.

40. Cuba reiterated its full support for Argentina in the sovereignty dispute over the Malvinas Islands, which were part and parcel of Argentina's national territory. The United Kingdom must respond positively to Argentina's readiness to resume bilateral negotiations. Until there was a definitive, negotiated solution, there should be no unilateral acts that could change the situation of the Islands, as established in the resolutions adopted by the General Assembly.

41. **Mr. Wang** Min (China) said that his country had maintained a consistent position on the Malvinas Islands. Peaceful negotiations to settle territorial disputes were in line with the Charter of the United Nations and were an important principle to be followed and promoted by the international community. China hoped that the Governments of the United Kingdom and Argentina would pursue a constructive dialogue, in accordance with General Assembly resolutions on the matter, to find a peaceful and just solution as soon as possible.

42. **Mr. Ja'afari** (Syrian Arab Republic) said that the presence of the Minister for Foreign Affairs, International Trade and Worship of Argentina highlighted the Committee's importance to Argentina, which had always advocated the need to respect international law and achieve greater democracy among nations. Indeed, those ideals were the foundation of Argentina's foreign policy.

43. His Government's position on the issue was consistent with the one expressed in the declaration adopted at the second South American and Arab Countries Summit, held in Doha on 31 March 2009, and with the traditional position of the Group of 77 and China and the Movement of Non-Aligned Countries. In line with the principle of territorial integrity, Argentina must enjoy sovereignty over its entire territory, including the Malvinas Islands.

44. **Mr. Zhukov** (Russian Federation) said that there must be a fair and mutually acceptable solution to the question of the Falkland Islands (Malvinas), achieved through bilateral negotiations between Argentina and the United Kingdom and taking into account the relevant General Assembly resolutions.

45. **Mr. Kleib** (Indonesia) said that it was impossible to apply uniform criteria to all situations of decolonization because each was unique, as illustrated by the case of the Falkland Islands (Malvinas). The historical and political background of the dispute between the United Kingdom and Argentina clearly differed from the traditional decolonization scenario. Negotiations should be based on the principle of territorial integrity and full acknowledgement of the interests of the population. The parties should take advantage of their solid foundation of bilateral cooperation in many fields of endeavour to bring about a peaceful and mutually acceptable solution to the dispute.

46. **Mr. Valero Briceño** (Bolivarian Republic of Venezuela) reiterated his delegation's full support of Argentina's just assertion of its legitimate rights of sovereignty over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. The sovereignty dispute between Argentina and the United Kingdom was the product of the illegal occupation of part of Argentina by the United Kingdom and should be resolved through bilateral negotiations. Multiple resolutions and declarations of the United Nations, the Organization of American States and other multilateral forums had urged a speedy resolution in support of Argentina's position.

47. His delegation encouraged the Secretary-General to continue his mission of good offices in order to bring the parties together for the negotiations called for by the Committee and the General Assembly. He supported Argentina's rejection of the United Kingdom's unilateral and illegal exploitation of oil and gas resources on the Argentine continental shelf, as well as the military exercises being conducted in the region, in violation of both the region's policy and General Assembly resolution 31/49.

48. **Mr. Solón** (Plurinational State of Bolivia) said that the Malvinas Islands were and would remain Argentine, and that the principle of sovereignty and territorial integrity, not self-determination, was applicable to the Malvinas issue. The dispute could only be resolved through negotiation, and any action that would change the current situation to the detriment of Argentina must be avoided. His country also rejected the United Kingdom's military exercises in the region and its exploitation of Argentina's natural resources. Any solution to the dispute must provide for compensation to Argentina for the unilateral use of those resources.

49. **Mr. Morejón** (Ecuador) reiterated his country's support for the legitimate rights of Argentina in the sovereignty dispute with the United Kingdom over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. The principles of territorial integrity, respect for State sovereignty and peaceful settlement of disputes were essential concepts in international relations. His delegation reaffirmed the need to implement the resolutions adopted by the General Assembly and the Committee, which acknowledged that the question of the Malvinas concerned a colonial situation that differed from other colonial situations. He called on the parties to begin direct negotiations towards a peaceful and lasting solution to the protracted sovereignty dispute.

50. **Mr. Rosales Díaz** (Nicaragua) said that there was no question as to Argentina's sovereignty over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. Failure to recognize such sovereignty would be tantamount to an endorsement of the infringement of Argentina's territorial integrity. The Malvinas were a clear case of colonial dispossession.

51. It was important to note that Argentina had always been ready to resume negotiations to find a solution to the dispute. That position had been recognized and supported by the international community, which at various regional forums had expressed its support for the resumption of negotiations between the Governments of Argentina and the United Kingdom. His country rejected the unilateral and illegal decision of the United Kingdom to conduct military exercises in the region and its exploitation of Argentina's renewable and non-renewable natural resources.

52. It was time for the colonialist and imperial enclaves in the Malvinas Islands to disappear and for the territory to be returned to its true and legitimate owner, the nation of Argentina. Nicaragua fully and unconditionally supported Argentina's defence of its legitimate right to sovereignty over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, including the subsoil and natural resources.

53. **Mr. Amangoua** (Côte d'Ivoire) reiterated his country's commitment to a peaceful and negotiated settlement of the issue of the Falkland Islands (Malvinas). Any solution that did not take into account the aspirations of the Islanders would be inconsistent with Article 1, paragraph 2, and Article 73 *b* of the Charter of the United Nations. His delegation reiterated its support for the self-determination of the Islanders. He called on Argentina and the United Kingdom, both of which maintained excellent relations with his country, to create conditions conducive to the resumption of bilateral negotiations on the question of the Falkland Islands (Malvinas).

54. **Mr. Daou** (Mali) said that, as the Committee prepared for the Third International Decade for the

Eradication of Colonialism, the international community and the United Nations must do their utmost to put an end to colonialism. It was regrettable that, despite many United Nations resolutions calling for a fair and lasting negotiated settlement on the question of the Falkland Islands (Malvinas), the situation had not improved. His Government, which had excellent relations with both Argentina and the United Kingdom, had always favoured a peaceful settlement to the dispute. He called on both countries to create conditions conducive to the resumption of bilateral negotiations and to enter into a constructive and effective dialogue without delay.

55. **Ms. Kargbo** (Sierra Leone) reaffirmed her country's commitment to the peaceful and negotiated settlement of the question of the Falkland Islands (Malvinas). By General Assembly resolution 637 (VII), the States Members of the United Nations had undertaken to uphold the self-determination of all peoples and nations and committed themselves to recognizing self-determination as a prerequisite to the enjoyment of fundamental human rights.

56. Therefore, any solution that failed to embrace the aspirations of the Islanders would be inconsistent with the relevant provisions of the Charter of the United Nations, and would be tantamount to a denial of their fundamental human rights and a violation of their right to freely determine their political, economic, social and cultural status.

57. *Draft resolution A/AC.109/2011/L.7 was adopted.*

58. **Mr. Dos Santos** (Observer for Paraguay), speaking on behalf of the States members and associated States of the Common Market of the South (MERCOSUR), recalled that, at the MERCOSUR Summit held in Foz de Yguazu, Brazil, on 17 December 2010, the Presidents of the States members and associated States of MERCOSUR had reaffirmed the terms of the declarations on the Malvinas adopted in Potrero de los Funes, Argentina, in 1996 and in Asunción in 1999. They had reiterated their support for Argentina's legitimate rights in the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas.

59. The Presidents had also expressed their strong rejection of the United Kingdom's conduct of military exercises in the region, including missile tests, as well as its exploitation of the renewable and non-renewable natural resources on the Argentine continental shelf, in violation of General Assembly resolution 31/49.

60. Speaking as the representative of Paraguay, he said that his country's position on the legitimate rights of Argentina in the long-standing dispute regarding the Malvinas Islands, South Georgia Islands and South Sandwich Islands was decisive and unchanging. Firm and sustained political will would be required in order to reach a satisfactory solution, which must take into account Argentina's historical claims to the islands in question.

61. He called upon the Governments of Argentina and the United Kingdom to resume negotiations and continue strengthening their bilateral relations, in order to resolve the dispute.

62. **Mr. Talbot** (Observer for Guyana), speaking on behalf of the Union of South American Nations (UNASUR), said that, at their fourth regular summit, held in Georgetown, Guyana, on 26 November 2010, the UNASUR Heads of State and Government had adopted a declaration in which they reaffirmed their strong support for the legitimate rights of the Argentine Republic in the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. They had also undertaken to take all appropriate regulatory measures to prevent the entry into their ports of vessels flying the illegal flag of the Malvinas Islands, and to inform the Argentine Government about any vessels or marine structures travelling to the Malvinas Islands, South Georgia Islands or South Sandwich Islands with cargo to be used for illegal oil and gas exploration and/or mining activities on the Argentine continental shelf.

63. Lastly, drawing attention to a letter from the Heads of State and Government of UNASUR addressed to the United Nations Secretary-General regarding the question of the Malvinas Islands (A/65/812), he said that they had urged the Governments of the Argentine Republic and the United Kingdom to resume negotiations in order to find, as soon as possible, a peaceful and definitive solution to the sovereignty dispute.

64. **Mr. Rosenthal** (Observer for Guatemala) said that the sovereignty dispute between the Argentine Republic and the United Kingdom concerned a non-traditional colonial situation: it involved a colonized territory, not a colonized people, and the

principle of self-determination was therefore not applicable to it.

65. He supported the mandate established by the General Assembly and the Committee with regard to the question of the Malvinas Islands, and hoped that Argentina and the United Kingdom would resume bilateral negotiations as soon as possible in order to reach a just, peaceful and lasting solution to the sovereignty dispute, in accordance with the many resolutions on the question.

66. **Mr. Dos Santos** (Observer for Brazil) reiterated his country's historical support for Argentina's legitimate rights in the sovereignty dispute on the question of the Malvinas Islands. Taking note of the working paper prepared by the Secretariat (A/AC.109/2011/14), he said he regretted that once again there had been no progress towards the resumption of negotiations between Argentina and the United Kingdom, although the Government of Argentina had adopted a constructive position in that regard. He also supported the mission of good offices entrusted to the Secretary-General by the General Assembly.

67. The illegal, unilateral military and oil and gas exploration activities undertaken by the United Kingdom in the region and on Argentina's continental shelf had been rejected by the Presidents of Brazil and Argentina in the joint declaration they had signed in San Juan in August 2010; by the Heads of State and Government of the Union of South American Nations in their declarations of 12 October 2010 and 26 November 2010; and by the Organization of American States in the declaration it had adopted in San Salvador on 7 June 2011, concerning the question of the Malvinas Islands.

68. **Mr. Cancela** (Observer for Uruguay) reiterated his country's support for the legitimate rights of Argentina in the sovereignty dispute on the question of the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. General Assembly resolution 2065 (XX) had acknowledged that the question at hand concerned a special and particular colonial situation involving a sovereignty dispute between two States, which could only be resolved through a peaceful and negotiated settlement.

69. In that connection, the parties should resume negotiations in order to find a solution and should avoid any unilateral actions that would hinder such negotiations, such as the United Kingdom's exploitation of the non-renewable natural resources on the Argentine continental shelf. Lastly, it was regrettable that the Government of the United Kingdom had decided to conduct military exercises, including missile tests, on the Malvinas Islands, in violation of International Maritime Organization rules.

70. **Mr. Rodríguez Arnillas** (Observer for Peru) said that his country was firmly committed to United Nations efforts to eliminate colonialism. Despite progress in that direction, however, the case of the Malvinas remained outstanding. Peru recognized the sovereign rights of the Argentine Republic over the Malvinas Islands, South Georgia Islands and South Sandwich Islands, including the surrounding maritime areas.

71. Peru's position was based on historical, geographical and legal criteria. Argentina had inherited the Malvinas Islands upon gaining its independence and had exercised its right of sovereignty from that time onward, until an act of force by a foreign Power had deprived it of the islands in 1833.

72. The case of the Malvinas Islands was a serious concern for the region, as had been affirmed repeatedly by the Organization of American States, the Rio Group and the Union of South American Nations. Peru had always believed that the sovereignty dispute could be settled only through negotiation. It acknowledged Argentina's continued willingness to engage in dialogue and to reach a negotiated settlement, and hoped that the United Kingdom would take a similarly constructive attitude.

73. **Mr. García González** (Observer for El Salvador) said that any solution to the question of the Malvinas Islands must respect Argentina's territorial integrity and the full exercise of its legitimate sovereignty. That position was based not only on solidarity, but also on principles rooted in international law and the geographical, legal and historical features of the archipelago.

74. The arguments put forth by the occupying Power represented a colonial attitude and a unilateral interpretation of the situation which did not reflect the fact that the issue was one of sovereignty, as had been recognized in General Assembly resolution 2065 (XX), which had been adopted unanimously.

75. The occupation, which had arisen from a geopolitical decision dating back to 1833, was an anachronism in the modern world. His delegation called on the colonial Power to honour its moral and political obligation to resume negotiations with Argentina to find a just, peaceful and definitive solution to the sovereignty dispute as soon as possible.

The meeting rose at 1.20 p.m.

United Nations A/AC.109/2011/SR.7

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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Summary record of the 7th meeting
Held at Headquarters, New York, on Tuesday, 21 June 2011, at 3 p.m.

Chairman: Mr. Núñez Mosquera ..... (Cuba)

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The meeting was called to order at 3.10 p.m.

Adoption of the agenda

1. *The agenda was adopted.*

Question of the Falkland Islands (Malvinas) (*continued*)

2. **Ms. St. John** (Grenada) said that her country continued to support the idea of self-determination for peoples, and was fully cognizant of the intractable debate on the question of sovereignty of the Falkland Islands/Malvinas. She reiterated her Government's call, made in previous years, for fresh thinking on the thorny issue.

Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (A/AC.109/2011/L.9)

Draft resolution A/AC.109/2011/L.9: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

3. *Draft resolution A/AC.109/2011/L.9 was adopted.*

Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and international institutions associated with the United Nations (A/66/63; A/AC.109/2011/L.10; E/2011/73)

Draft resolution A/AC.109/2011/L.10: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and international institutions associated with the United Nations

4. *Draft resolution A/AC.109/2011/L.10 was adopted.*

5. **Ms. Eloeva** (Russian Federation) said that her Government consistently advocated the right of the Non-Self-Governing Territories to self-determination and independence. However, consideration of the issue in the Economic and Social Council distracted the Council from its primary function and should not form part of its agenda.

6. While the Russian Federation had not stood in the way of the adoption of the draft resolution by consensus, when the matter was taken up in the Fourth Committee and the plenary Assembly, it would be guided by its consistent position on the issue.

Economic and other activities which affect the interests of peoples of the Non-Self-Governing Territories (A/AC.109/2011/L.11)

Draft resolution A/AC.109/2011/L.11: Economic and other activities which affect the interests of peoples of the Non-Self-Governing Territories

7. *Draft resolution A/AC.109/2011/L.11 was adopted.*

Questions of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, Saint Helena, the Turks and Caicos Islands and the United States Virgin Islands (A/AC.109/2011/15 and A/AC.109/2011/L.8)

Hearing of petitioners: Guam

8. **The Chairman** said that, in line with the Special Committee's usual practice, petitioners would be invited to address the Special Committee and would withdraw after making their statements.

9. **Ms. Calvo**, speaking on behalf of Eddie Baza Calvo, Governor of Guam, said that a half-millennium of colonialism had taken a great toll on her people. Two hundred and thirty years of Spanish colonial rule had devastated the Chamorro people, visiting upon them new diseases, war and oppression. After the Spanish-American War, the United States of America had claimed Guam, leaving Chamorros with no representation or say in their future. Japan's foray into imperialism during the Second World War had been especially brutal for Guam, as the Japanese Imperial Army had inflicted numerous atrocities on Chamorros. While the United States liberation of Guam in 1944 brought an end to the enslavement of Chamorros, colonial domination persisted. What was more, the Chamorro people had yet to receive war reparations. The silence of the United States Government on that issue reinforced the point that Guam could no longer remain a colony in perpetuity.

10. She was thankful that the United States of America, the administering Power, recognized Guam's right to self-determination, and that it had pledged to match local funding allocated for decolonization efforts. The Government of Guam was committed to a plebiscite. After years of taxation without full

representation, quasi-citizenship and partial belonging, the Chamorro people must make an educated decision on their future political status. She appealed to the Special Committee for support of her people's human rights.

11. **Mr. Alvarez** (Executive Director, Commission on Decolonization, Government of Guam), speaking also on behalf of the Governor of Guam, said that Guam had made significant strides on the issue of decolonization in the previous four months. His Government planned to undertake an aggressive campaign to convey its situation to national and international audiences. In addition, Guam's delegate to the United States Congress had introduced legislation to appropriate funds for an educational campaign on Chamorro self-determination.

12. Local legislation clearly defined Chamorros on Guam as the colonized people on Guam with the right to self-determination. The Governor of Guam intended to uphold that position by holding a plebiscite for the exercise of Chamorro self-determination within five years, with the ultimate aim of resolving the question of Guam's political status.

13. Noting the renewed sense of commitment with respect to the issue, he proposed that several steps be taken towards resolving it, including the appointment of a representative from the office of the President of the United States of America to the United States Congress; use of national and international media to raise awareness of the plight of the Chamorro people; and advocacy for Guam by the United Nations and other internationally known groups, organizations and personalities.

14. **Ms. Natividad** (President, Guahan Coalition for Peace and Justice) said that her organization had consistently opposed the administering Power's plans for military build-up in Guam. With no prior consultation of Guam's leaders or people, the United States had concluded a bilateral agreement with Japan in 2006 to transfer 8,000 United States Marines from Japan to Guam. Guam's colonial condition thus made possible the exploitation of its land and the violation of the rights of the Chamorro people in support of the United States' militarist agenda.

15. Since the announcement of the planned military build-up, members of the Chamorro community had come before the Special Committee yearly to plead for its intervention; nonetheless, Guam's political status remained unresolved. She called on Committee members to focus on the specific actions it, and the United Nations system more broadly, could take to resolve the question of Guam.

16. In her country's experience, United Nations resolutions on self-determination lacked the authority to bring about change in colonial situations. In September 2010, the United States Government had set into motion the awarding of United States Department of Defense contracts for the Guam build-up, despite widespread concern among the Chamorro community regarding the impact of the build-up on people living outside military fences. The community's outcry, for the most part, had gone unheeded by the United States Government.

17. Resistance to the increased military presence on Guam stemmed from the exploitative relationship which the United States military had with the island. The military's presence in Guam had resulted in radiation exposure, environmental devastation and toxic contamination of the island and its people, as evinced by the poor health of many Chamorros, the ethnic group most affected. Consistent with pervasive exposure to toxic sites located on the island's military bases, Chamorros had disproportionately high cancer rates. Moreover, Guam residents were still not eligible for compensation under the Radiation Exposure Compensation Act passed by the United States Congress.

18. Other concerns related to militarization included the island's segregated school system and the United States military's appropriation of a third of its territory. The military was currently attempting to seize additional land, where a sacred Chamorro village was located, to build a live firing range. Lastly, increased militarization of Guam would reduce the Chamorro people's status to that of minority in the event of a plebiscite. In the light of those concerns, her organization recommended that Guam should remain on the list of Non-Self-Governing Territories until it had exercised its right to self-determination; that the Special Committee should declare that the United States' plans for increased militarization of Guam hindered the exercise of that right; that the United Nations should provide financial and technical assistance for an educational campaign on political status for the people of Guam; that the United Nations should send a visiting mission to observe the plebiscite, which should be held within five years; and

that the United Nations should develop detailed plans for the decolonization of all Non-Self-Governing Territories by the end of the Third International Decade for the Eradication of Colonialism.

19. **Mr. Matsushima** (We are Loochoo) said that the necessity of demilitarization of Guam could best be understood by taking into account the Okinawan experience, for historical and other reasons. In the case of each island, the imperial Power — the United States of America and Japan, respectively — had annexed the territory and imposed colonial policies on its inhabitants. Furthermore, military policies on Guam and Okinawa, such as the recent building of new bases on Okinawa and the transfer of over 8,000 United States Marines and their dependants from Okinawa to Guam, had been adopted by the United States and Japanese Governments unilaterally, ignoring the people's wishes. Nevertheless, Chamorros had established a number of organizations to push for decolonization of Guam.

20. If the United States Marines moved to Guam, the Chamorro people would face difficulties similar to those faced by the people of Okinawa, who had been subjected to fires and accidents caused by live ammunition, aircraft crashes, deafening noise, and destruction of the environment and historical sites. Moreover, from 1972 to 2010, 5,705 military-related crimes had been committed.

21. The Japanese Government had been complicit in the construction of new bases on Guam, supplying significant funding to that end. Okinawans opposed the move of the United States Marines to Guam and the construction of new bases on either island. The reduction of bases on Okinawa would promote a similar process in the sister island of Guam. That demilitarization process must take place within the broader decolonization efforts of the Special Committee.

22. **Ms. Baza** (Conscious Living) said her organization supported the objective of eliminating colonialism in the present decade, as set forth in General Assembly resolution 65/119. It appealed to the administering Power and the relevant United Nations organizations, including the United Nations Development Programme (UNDP), to assist Guam in its efforts to achieve political independence and economic development.

23. Guam's colonial relationship with its administering Power was clearly counter to the basic principles of democracy. The United States could not continue to enforce democracy throughout the world while denying political participation of its own citizens.

24. Uncontrolled immigration, promoted by the colonial Government, led to division and competition between indigenous peoples and various other groups for limited resources. As a result of scarcity, the current generation of immigrants had been forced to rely on welfare assistance from the administering Power. Although the diverse immigrant populations had contributed to the island's development, their settling in Guam had also led to erosion in traditional family structure, a lower standard of living, and increased pressure on indigenous youth to conform to Western values.

25. The purpose of indigenous research was to support indigenous values, attitudes and practices. Traditional forms of knowledge were sacred to members of a culture, and their transmission was intimately linked to language. The teaching practices introduced by the administering Power constituted a hindrance to decolonization by undermining traditional practices, especially as they related to language acquisition. The primary aim of the public education provided by the administering Power had been a political one, namely, to domesticate the Chamorro people.

26. Colonized individuals, exposed to imperialism at the expense of their own values, suffered from a number of pathological psychological conditions, including the cultural Stockholm syndrome, which led members of an oppressed group to accept the dominant cultural values, including the stereotypes of their own group. Therefore, politically repressed people maintained the privileges of the administering Power, silencing cries for social justice in so doing. Therapeutic decolonization would entail using indigenous approaches to raise consciousness of the colonized mentality and correct cognitive distortions in order to achieve personal and collective transformation.

27. Though the watchwords had changed — from "manifest destiny" to globalization — the war to conquer her country's land and resources had not only persisted but expanded to justify the final conquest of everything. Ending the colonial war of conquest required a conscious refocusing of values away from the glamour of materialism and towards respect for people and their way of life.

The meeting rose at 4.10 p.m.